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Bengal (India). Indigo Commission, 1860

Minutes of evidence taken before the Indigo...

[Calcutta]

[1860]

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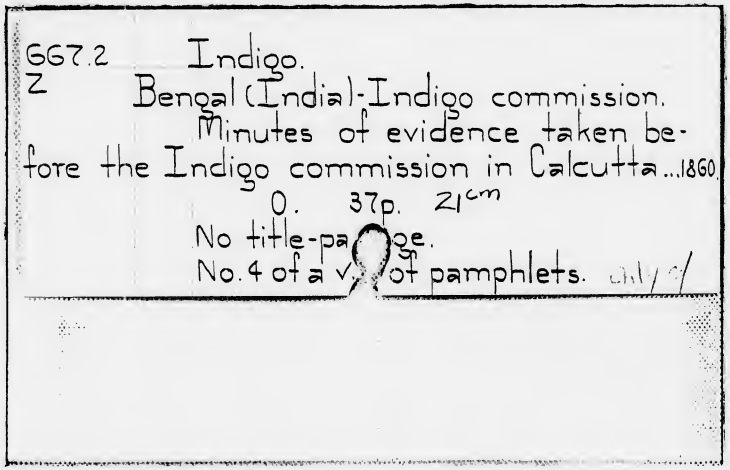
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MINUTES OF EVIDENCE

TAKEN BEFORE

Bengal (India)

THE INDIGO COMMISSION

IN CALCUTTA.

Saturday, 21st July, 1860.

PRESENT:

W. S. Seton-Karr, Esq., C. S., *President.*

Members:

R. Temple, Esq., C. S.
W. F. Fergusson, Esq.
Reverend J. Sale.
Baboo Chunder Mohun Chatterjee.

The Hon'ble *Ashley Eden,* at present Magistrate, Collector, and Salt Agent, Cuttack.*

3571. *President.*] Will you state to the Commission the districts and appointments in which you have had experience?—I was first appointed Assistant Magistrate and Collector of Rajshahye, and, for a short time, had charge of the Sub-division of Nattore in that district; I was then appointed to the Sub-division of Aurungabad in the district of Moorshedabad; I was then employed on special duty, and then made Deputy Commissioner of the Sonthal Pergunnahs, and was next appointed to be Magistrate and Collector of Baraset. Then I officiated as Junior Secretary to the Board of Revenue, and this year I joined my appointment as Officiating Magistrate and Collector and Salt Agent of Cuttack.

* Mr. Eden has since been re-appointed Officiating Junior Secretary to the Board of Revenue.

3572. During the time you held these appointments, did you endeavour to mix familiarly with the people, and had you frequent opportunities of ascertaining the working of the Indigo system?—Yes, I always endeavour to mix as much as I could with the people, to ascertain their views upon all subjects, and, in the districts of Rajshahye, Moorshedabad, and Baraset, I had ample opportunities of ascertaining, both from the natives and the planters, the working of the system.

3573. Do you hold the opinion that that cultivation is the result of free agency on the part of the ryots, or that it is in a great measure compulsory?—My opinion is, that with the exception of factories which have a large extent of *chur* lands cultivated, it is in no instance the result of free agency, but that it is always compulsory.

3574. Will you state to the Commission as fully as you can, the facts, proofs, or reasons which have induced you to hold this belief?—*First*, I believe it to be unprofitable, and therefore I cannot believe that any ryot would consent to take up that cultivation, involving as it does serious pecuniary loss to himself; *secondly*, it involves an amount of harassing interference to which no free agent would subject himself; *thirdly*, from a consideration of the acts of violence to which the Planters have throughout been compelled to resort to keep up this cultivation as proved by the Criminal Records of Bengal; *fourthly*, from the admissions of the planters themselves that if the ryots were free agents, they would not cultivate Indigo; *fifthly*, the necessity under which the planters state themselves to be of spending large sums in the purchase of zemindaries and other descriptions of rights, giving them territorial influence and powers of compulsion, without which they would be unable to procure the cultivation of Indigo; *sixthly*, the statements of ryots and the people generally in the districts in which I have been; *seventhly*, the fact that, as soon as the ryots became aware of the fact that they were by law and practically free agents, they at once refused to continue the cultivation.

3575. Can you point to any particular records, printed or other, in support of your assertion regarding acts of violence?—I beg to hand in an abstract of forty-nine serious cases of murder, homicide, riot, arson, dacoity, plunder, and kidnapping, which have occurred from the year 1830 to 1859, some of which I have taken from records which came before me during my incumbency; others from printed Nizamut reports, and all from authenticated papers. I also give a file of heinous cases connected with the cultivation of Indigo, which occurred previous to the year 1810, with a view of showing, that on the commencement of the system of private trade in the interior of the country, these acts of violence were resorted to, and in consequence of those acts, five Europeans were punished, and deported from the country; and the Government, in a Circular Order of the 20th July, 1810, considered it necessary to warn the Magistrates, to check the system of forcing the cultivation by means of advances on ryots. This last statement I have derived from a printed Parliamentary Report of 1820, on the occasion when the Directors of the Company were charged with impeding the settlement of Europeans. The great majority of the cases in the first list filed have occurred within the last ten years.

3576. Could you state how many of the above cases came under your personal observation as Magistrate?—Under my own actual observation I only remember two cases of those noted in the list. One was the case of kidnapping in Shanpore Factory, Bansbarria, in the Rajshahye district, in which one man was confined and died in the godown, and his body was thrown by the factory servants, and sunk by means of bags of bricks, in a *jheel*. This I know from having been assistant to the Magistrate who tried the case, and being acquainted with the parties concerned in it. The native servants of the factory were punished by the Judge, but were released by the Nizamut who ruled, that although there was no doubt the man had met his death whilst confined in the godown, yet that there was no distinct proof of the precise means by which he met his death, and therefore they merely punished those who were engaged in concealing the body. Another case mentioned there which I myself investigated, was a case in which the servants of the Hobra Factory went with a large party of ploughmen and ploughs, and ploughed up about 125 beegahs of the ryots' cultivation, and sowed Indigo on the land. I imprisoned the factory people, and was reprimanded for leniency, and for having shown a prejudice in favour of the planters. Another case which I want to mention, which though within my own knowledge, is not contained in the list, was, that, when I went to the

Aurungabad sub-division, I found that it was the custom to carry off the cattle of the ryots who would not sow indigo. It having been brought to my notice that a great deal of suffering was occasioned to the ryots, by the sale of their cattle in the previous year, I instituted enquiries, and having ascertained one of the places in which the cattle were kept, I sent out a party of police, and released from one of the out-factories about two or three hundred head of cattle which even when brought to my own house, the ryots through fear of the planter were afraid, for several days, to come forward and claim.

3577. What was the distance of the Sub-division from the head quarters of the factory, and why was the Sub-division established there?—The Assistant Magistrate's residence was between fifty and one hundred yards from the factory, and the Sub-division was established partly on account of the disputes between Messrs. Lyon and White on the one part, and Mr. David Andrew on the other; and partly on account of the number of complaints which came from that quarter, of the oppression to which the people were subjected by the servants of the factories. On joining the Sub-division, the head-quarter house was not being yet erected, and not knowing the causes which led to the selection of that site, I recommended its removal to the town of Junghypore, which was the principal *entrepôt* of trade in that part of the country. On going to Aurungabad great objections were raised by the planters, however, to the selection of a site so close to the factory, on the grounds that the Magistrate's Court would interfere with the business of the factory. It is worthy of remark that it was the factories of these two firms, which were first attacked during these disturbances. In justice, however, to the Manager, Mr. McLeod, I wish to state that I always found him personally willing, so far as was consistent with the interests of his employer, to pay attention to the complaints of the people, and, to this, may, in a great measure, be attributed the fact that the factory was not then a paying concern. Since then the cultivation has greatly been increased, and I am of opinion that it was owing to that that the late disturbances took place in that concern.

3578. Mr. *Fergusson.*] In the forty-nine cases which you ferretted out, as having occurred during the last thirty years, is it not the

case that in more than half of them, Europeans have not been accused, or, if accused, have been acquitted?—There are scarcely any one of these cases, in which the European or principal manager of the concern has ever been put upon his trial, although in many of them, the Judges trying the cases have expressed strong opinions that such Europeans were themselves implicated in them; and it is to this importunity and freedom from responsibility that I attribute the constant recurrence of these violent outrages.

3579. In such instances as you have mentioned, was it not a gross dereliction of duty on the part of the Government not to prosecute the Europeans?—There certainly was a failure of justice which, in my opinion, may, to a certain extent, be attributed to the strong bias which the Governor and many of the officers of Government have always displayed in favour of those engaged in this particular cultivation; this may also partly have arisen from the difficulty which exists under the present law of obtaining a conviction against Europeans, as for instance in the case in which a planter named Dick *alias* Richard Aimes, was murdered by a European planter named Jones, a French planter named Pierre Aller, and some native servants, in which the Frenchman and the natives being amenable to the courts of the country, were imprisoned for life, whilst Yong, the European British subject, not being subject to the jurisdiction of the local court, was tried in Her Majesty's Supreme Court in Calcutta, and was acquitted on precisely the same evidence as was brought against the foreigners and natives who were convicted in the district court; the sentence being upheld by the Nizamut Adawlut.

3580. Then, you consider that in that case justice was obtained in the Mofussil Courts and denied in the Supreme Court?—I consider that the Judges of the Court of the Nizamut Adawlut are fully as competent to come to a decision on the evidence before them, as a Calcutta Petty Jury. I shall therefore consider that in this instance a failure of justice occurred in the Supreme Court.

3581. If I tell you, that I was in the Supreme Court during the whole of that trial and with a strong feeling against the prisoner, and that I, and most other gentlemen in Calcutta, considered it impossible to find him guilty on the evidence, would it alter your opinion in any manner?—No, as with those facts before them, and commenting on

those facts, the Sudder Court subsequently convicted the remainder of that party as accessories to the murder on that evidence; the previous acquittal in the Supreme Court, and the distrust thrown upon the evidence having been urged by the defendant's counsel, and over-ruled. Moreover, if the murder was not committed, where is Dick *alias* Richard Aimes, who has never appeared since.

3582. In the other cases contained in your list in which no remarks are made by the Judges, is it merely your opinion that the Europeans among them were guilty parties, and should have been punished?—Having had very little conversation with any other parties on the merits of these cases, I am not prepared to state whether any other person has formed the same opinion, but in my own certainty, the European who organized an attack, who conceals the offence, and in one instance even allowed one of his servants who had murdered a ryot, to be concealed, whilst a third party was sentenced capitally, should be held liable to the same punishment as a native of this country would have in all probability been subjected to, if he committed the same offence. I allude to the case of Mr. Patrick Smith, of Dullcemulla Factory, in which a servant of his murdered a chowkidar who endeavoured to resist the carrying off of ryots who refused to take advances for the cultivation of Indigo. The man admitted the murder to Mr. Smith the same day. The actual murderer in that case was not apprehended, but another servant of the name of Ram Singh was capitally sentenced for that crime. Some months subsequently a second murder was committed by the same man, and a rumour spread that this man was really the murderer in the former case. On the representation of Mr. Hills, Dr. Archer, and others, Mr. Smith then appeared before the Sudder Court, and in consequence of the statement there made, the sentence of Ram Singh was commuted, and the real culprit was apprehended.

3583. Then in this instance, did not the Sessions Judge and the Sudder Nizamut convict and sentence to be hung the wrong man?—They convicted the accomplice who was present at the time, but who had not actually struck the fatal blow, instead of the principal who was concealed in the factory, where he was subsequently found by the Magistrate. This arose from the fact that the two men were up-country lattials, not natives of Bengal, in consequence of which some confusion

occurred in the identification of the principal and the accomplice by ignorant Bengali ryots. If the European planter had come forward, as disapproving of the crime, as he was bound to do before the Magistrate or the Sessions, this difficulty of identification would not have arisen. The conviction of the Courts was according to the evidence before them.

3584. *President.*] Is it not a very unusual thing for additional or supplementary evidence to be either offered or received before the Sudder Nizamut, such Court deciding only from the records?—I never heard of a similar course of proceeding; I believe the evidence to have been received at the instance of the two Messrs. Trevor, one of whom was Legal Remembrancer at the time.

3585. Mr. *Fergusson.*] In the course of enquiries, have you not come across similar cases in the Opium and Salt Departments.—No; I have not perused any records, nor have I any personal knowledge of such cases.

3586. Have you not heard of similar cases in one of the Salt Agencies in the Midnapore Zillah?—I have heard that some heinous offences occurred in some way connected with the Salt Department at Hidgelee last year. In what way these cases arose, or in what way they were connected with the Salt Department, I have no knowledge whatever; I believe them to have arisen from disputes between the preventive and manufacturing branches of the Salt Department; but my knowledge is entirely derived from general rumours. In the Opium Department I have never heard of any cases whatever.

3587. Do not any case similar to those in your list arise from disputes between rival native zemindars respecting lands, hauts, &c.?—Frequent affrays and kidnapping arise from such sources of dispute, but of late years they have nearly ceased in that part of the country of which I have special knowledge, and I believe generally throughout Bengal; they, however, more frequently take the form of disputes between two strong contending parties well able to cope with one another, and do not, as in the Indigo cases, show the strong continually preying on the weak, and disputes arising out of a false system of trade.

3588. Have you any reason to believe that the system carried on in the silk trade was different as regards ryots from that of the Indigo business?—I have no knowledge on the subject.

3589. Have the Indigo cases now ceased in Bengal together with the cessation of the same zemindary affrays, or do the former continue in any district while the latter have ceased?—I believe the establishment of the numerous Sub-divisions throughout Bengal has had the effect of decreasing violent open outrages of every description, such as affrays; but the seizing of ryots and the confinement within the factory walls, has, in my opinion, increased as violent overt acts have decreased. The greatest increase, however, is in cases unconnected with Indigo on account of the fear which the zemindars have of these Sub-divisions, and the great facility which is afforded to the European planters of opposing the ryots in any way which does not involve any great publicity, such as would necessarily attract the attention of the higher authorities.

3590. Are kidnapping and imprisonment still carried on by zemindars as well as planters?—Yes, I believe they are in many instances; but since the passing of Act X of 1859, I believe that they have greatly decreased.

3591. Then, has the increase of these offences to which you alluded solely occurred in Indigo Concerns?—Whether it is that there is an actual increase, or whether it is that the establishment of Sub-divisions have brought them to light, or whether it is that the punishment of several planters for this offence has given the ryots greater confidence to speak more openly of these things, I am not sure; but I have certainly heard more of such cases within the last few years than before, and I believe that it may be attributed to the increased reluctance of the ryots to sow without such compulsion, and also to the check which has been given to such outrages.

3592. In case 18 you remark that the Europeans for whose benefit the crime was committed were not punished. Do you ground that opinion from the observations of the Judge or from what you read of the case?—To the best of my recollection the printed report of the case will show that the Judge, Mr. G. C. Cheap, remarks that the case was one in which great blame attached to Mr. Tripp, and said it was cause of great regret to him to put on record the commission of such violent outrages by Europeans, but that he was glad to state that Mr. Kenny, the proprietor of the concern, was on his way to England, and was not therefore responsible.

3593. In case 29 you remark that Mr. French was in the jail in which these men were confined at the time. Do you mean by your remarks on that case that Mr. French ought to have been brought to trial?—Judging from the evidence, as it appears in the printed report of the Sudder Court, I should, if I had been the Magistrate before whom that case came, have committed Mr. French to take his trial, as it appears that he compromised the case by giving compensation to the owner of the boat.

3594. In case 39 you observe the servants were imprisoned, but Mr. W. Collis, who was admitted by the Judge to give the order, was not put on trial, by virtue of his descent from European stock, on what is that remark founded?—It is my strong opinion derived from a perusal of the case. For the Judge stated that the order was given by Mr. W. Collis himself, and I can conceive no other possible reason, why, if the Judge considered Mr. Collis to have been guilty, he should not have taken steps to bring him to justice, and, judging from the practice of the courts, I feel convinced that had he been a native his trial would have been directed.

3595. On the whole, considering the number of districts and the number of Indigo concerns and of planters engaged, also the period of time over which these cases extend; considering also the state of society in the Mofussil, do you consider that these serious cases frequent, rare, or otherwise?—These cases do not *in any way* represent the total amount of such outrages that have been committed during the period embraced. The greater part of the selected cases of which an abstract has been given, are only those of so serious a nature as necessitated a reference to the Sudder Court either on account of the severity of the penalty involved, or in appeal on points of law. My own opinion is that not one tithe of the offences actually committed ever came before any court at all; of those which are actually brought up by the police, very many are disposed of by the Magistrate himself; and others of a more serious nature are decided by the Sessions Court without reference to the Nizamut. I have not had the means at my disposal to enable me to lay before the Committee any memorandum of such cases. The improved administration of the police arising from the increase of Sub-divisions has decreased the number of violent crimes of late years, but it has, as a consequence, checked the cultivation of Indigo.

3596. Mr. *Temple.*] But, on the whole, do you consider that planters rarely resort to serious violence or frequently; and do you believe that these deeds of violence are committed by a few planters or by the majority, or what?—I believe that deeds of the violence of those noted in the abstract filed, are not frequent, but still they are such, as to keep up and perpetuate a feeling of terrorism without which, in my opinion, the cultivation of Indigo could not be carried on for one day. Any act of great violence, committed in any district, such for instance, as the attack of the village of Haut-dayal, in the district of Rajshahye, in the concern of Messrs. J. and R. Watson and Co., in which three villages were gutted, three cultivators killed, and six wounded, would be enough to strike terror into the hearts of the ryots, in that part of the country for many years to come, and it is only when the ryots have forgotten such acts as these, that any fresh violence of this sort is necessary. I believe that there are many planters who do all in their power to avoid having recourse to such expedients, but it will be found that one or two outrages of the most serious description have occurred within the remembrance of men in every district and with every concern.

3597. Have you known many planters, who would not under any circumstances themselves order or authorize such proceedings; and do you know whether such things could or could not be done by the servant without the authority of the master?—I know many planters who would neither authorize nor order such proceedings, but the system is such that they are frequently involved in such cases against their will; that the system which they pursue, and the class of servants that they employ, force them to this; the worst that can be said of such men is, that when they are so involved, they do not come forward as they should do, and publicly disown the acts of their servants and render assistance in bringing them to justice.

3598. You have mentioned generally that European planters are, practically, never punished for acts of violence; is it that prosecutions are instituted by the Mofussil Authorities, and fail in the Supreme Court, or is it that prosecution is not attempted, and if the latter be the cause, what is the reason?—Prosecutions are scarcely ever attempted. The reason of this is partly because Mofussil Magistrates know the difficulty of procuring a conviction in the Supreme Court, partly from

great unwillingness among prosecutors and witnesses to subject themselves to the liability to come to Calcutta to attend the Supreme Court and to a great extent to the bias in favour of the planters, which has been too frequently displayed by men in all positions from the highest officers of the Government down to the lowest.

3599. As an officer of Mofussil experience, what do you consider to be practically the difficulties of prosecuting the planters before the Supreme Court; or how do these difficulties arise?—It never fell to my lot to have to commit any planter, but judging from my experience as a Justice of the Peace, in obtaining convictions against Europeans, I consider that very great practical difficulties exist. For instance, I have committed Europeans to the Supreme Court, the bill has been thrown out by the grand jury under circumstances which led the Government to direct a re-committal on the same evidence. The evidence was described by the Advocate General as being of the most clear and conclusive description. The parties were re-committed on precisely the same evidence, and were convicted and sentenced. In another case, I committed an officer for trial for manslaughter. The officer admitted before me having committed the assault which led to the man's death. The medical evidence showed that although the man was in bad health, yet his health had been hastened by the injuries he had received. The grand jury threw out the bill; and it is in cases like these, that dishearten Mofussil Magistrates from committing Europeans to the Supreme Court.

3600. But as a Magistrate and Justice of the Peace, would you not commit an offender, if you believed him guilty on the evidence, irrespectively as to your opinion as to what might be the view taken by a Calcutta petty jury or grand jury?—As a judicial officer, if the evidence was very clear in any case before me, I should commit, but, as an executive officer, I should hesitate to take up many cases against Europeans, which under the circumstances I should consider it incumbent on me to proceed with.

3601. Mr. *Fergusson.*] In this list I see eight names of persons whom I personally know to be foreigners, and parties liable to the Mofussil Court; can you account for their not being proceeded against, if there were any good grounds for doing so?—Of the evidence against the parties particularly alluded to in the cases you have mentioned, I

am not prepared to speak without a reference to the cases, but the exemption to which you allude was probably explained in my previous answer, in which I noticed the great bias which has always existed in favour of planters from the very beginning.

3602 Then do you consider that the Government officials have sacrificed justice to favour the planters?—I consider that it has frequently been the case, and I have stated so in official reports. I will go further and say, that as an young assistant, I confess I have favoured my own countrymen in several instances.

3603. Baboo *C. M. Chattterjee.*] Do you believe that if the European planters in the Mofussil were subject to equal laws and same punishment with the natives of the country, they would be deterred from committing the oppressions you have alluded to?—I believe that with the knowledge that they were subject to the Courts, and did not enjoy the perfect practical impunity which they now possess, the system of force which is known to all to have existed so long, would not have been continued by the planters.

3604. Is it not the case that if a Native gentleman and an European gentleman, a British subject, were found guilty of a similar offence before a Mofussil Magistrate, the former might be sentenced to imprisonment, whereas the latter might get off by paying a fine to the extent of 500 rupees?—If an English gentleman and a Native gentleman were placed side by side in the same case, I hardly think that any Magistrate could punish them in a different manner, but in similar but separate cases, I think that it would frequently happen that a Native gentleman would be imprisoned, whereas the European would only be fined, because the Magistrate has not, except in particular cases, the power of imprisoning an European.

3605. During the time the Indigo planters were vested with magisterial powers, did not some of them abuse their power, within your own knowledge, to serve their own interests?—There were no honorary Magistrates in my district.

3606. Mr. *Fergusson.*] In the present state of the Mofussil Courts and with the present Judges who preside in them, would you like to see any European friend tried in them?—I think that if the courts are good enough for the natives, they are good enough for Europeans. If they

are not good enough for natives, they are not fit to have any jurisdiction at all over any one. As far as I am myself concerned, I would sooner be tried, if innocent, in the local Sessions Court, with an appeal to the Nizamut, than in the Supreme Court. If guilty, I would prefer the Supreme Court and a Calcutta jury.

3607. *President.*] Several witnesses have either stated or admitted that Indigo cultivation is unprofitable and unpopular with the ryots, and you yourself have declared your belief that the cultivation for years has been compulsory; how do you reconcile those admissions and your belief with the fact, that the system has gone on for years without any change?—For many reasons: *first,* that the people of Bengal are naturally patient in enduring oppressions. Years of tyranny and oppression have taught them to bear every wrong without resistance. Their feelings have taken the form of sullen morose hate, rather than active opposition. These pent-up feelings have now for the first time found a vent; *secondly,* the Police Courts have, until the last four or five years, been out of their reach. The planter having the rights of a zemindar, has reigned over them with the powers of a despot. They dared not leave their homes to go and complain at a distant station; if they did so, they ran the risk of returning to find their cattle carried off, or a relative illegally confined. Even in cases in which, on these complaints, the police when deputed to hold an investigation, sometimes through fear of the planter, and sometimes corrupted by his money, nearly always influence by some means or other, reported the case against the ryot. The ryot would then be worse off than before, and his only hope of peace, lay in cultivating Indigo without opposition, but not as a free agent; *thirdly,* Bengalis have not usually that power of conjoint action which would enable them with any prospect of success to form a combination against the planters; *fourthly,* ryots, from whatever causes it may have arisen, have certainly all along believed that Government and Government officials were interested in the cultivation of Indigo, that they were so strongly prejudiced in favour of the planter, that it was useless to complain. The ryots were unable to understand, how a man living in terms of the greatest intimacy, and in daily communication with the planter, was capable of deciding cases justly; cases in which the interests of that planter were concerned. Whatever

may be the impartiality of the individual Magistrate, it would be difficult to persuade an uneducated native that intimacy of this description would not bias a Magistrate in his official acts. This intimacy has very often, it may be without the knowledge of the planter, been made use of by the factory servants as a means to accomplish their wishes. Again, facilities of complaint have been afforded to the Planters by the higher authorities from which the ryots are altogether excluded, and, I believe it to be the case that this privilege has been made use of to influence such higher authority against such of the local authorities as may have shown a disposition to do justice between man and man. And there are cases, in which the removal of officials has been attributed by the ryots to the influence brought to bear by those in the interests of the planters against such officials; *fifthly*, I believe that the pressure of Indigo cultivation has never been so severely felt as during the present time, as although the ryots have always had to sacrifice a portion of their land and labour, the loss has never been so severe as at the present time, when the value of that land and labour has greatly increased; formerly these lands gave them enough to live upon and pay their rents, but as there was no market for surplus produce, and but little stimulus to accumulate, it was not worth their while to grow any great amount of produce beyond what was necessary for their own consumption.

3608. Can you mention any cases within your knowledge, in which officials were either interfered with or censured or removed for alleged bias against planters?—Moulvee Abdool Latief was removed from Kalarca for giving an order protecting the ryots against the forcible entry of the planter. My predecessor at Baraset was complained of for saying that it was optional for ryots to sow Indigo or not, and was censured by the late Lieutenant Governor. Of this last case I have no knowledge except what was derived from the planters themselves, and from the people who still believe him to have been removed for protecting them. In my own case, I was, on private representations made by planters, reprimanded and interfered with by the Commissioner. Representations were made to the Government for my removal, on the ground that I had told the ryots that the cultivation of Indigo was optional. And three petitions were

presented by parties of influence in Calcutta, within a few months, demanding my removal on this account, and I had considerable difficulty in defending my own position and upholding my independence as a Magistrate.

3609. Mr. *Fergusson.*] Are you aware that the cultivation of Indigo in the district of Nuddea does not occupy more than five per cent. of its area, and if so, how can it be so severe a pressure on the ryots, as you have stated it to be?—Admitting this calculation to be correct, you must first deduct from that area one-third of the whole as follows, wood, waste, village, and unculturable lands. You must next deduct one-third of this for those portions of the district in which Indigo cultivation is not carried on, and with which the planter has no connection. From the balance you must deduct a very large proportion of wet land suitable only for the cultivation of late rice, and then if you take the remainder, which is the most valuable land in the whole of the district and the most productive, you will find that the planters have thrown out of profitable cultivation a proportion of the best land, which must press with very great severity on those engaged in the cultivation of profitable crops in the part of the district where factories are situated.

3610. But the seed crops are cold weather crops, which can be grown equally with Indigo and early rice; and do you think that while grain crops, such as rice, can be taken continually off the same land, it would not be better to vary such crops occasionally with Indigo?—Provided that Indigo were as profitable as any other crop, I can understand that an occasional crop of that plant might be beneficial to the soil, but so long as it is a dead loss to the ryot, out of pocket, even the inferior rice crop is more remunerative to him. But, there are other crops, such as *jute, sugar-cane, chillies, ginger, turmeric, tobacco,* which afford the ryot a still greater profit than rice; but even supposing that this was not the case; the land is the land of the ryots, they are the best judges of their own interests, and so long as they object to the cultivation of Indigo for whatever reason, I can conceive no principle upon which it can be argued that it is justifiable for a third party to come in and insist upon a ryot sowing that to which he objects, although it may be in his opinion beneficial to the ryot.

3611. But if a ryot has made a contract and has received money to

sow Indigo, upon what principle has he a right to decline to do so?—If a ryot, being a free agent and acting without force, either actual or moral, voluntarily enters into a contract for the cultivation of any crop, he is of course bound to fulfil it, but the result of my experience and my enquiries on the subject convince me that in scarcely any instance does a ryot, being a free agent, enter into contracts or receive advances for the cultivation of Indigo, which is admitted by many competent authorities to involve a pecuniary loss upon the ryot. One of the main elements of the contract, to make it legal, must be that it has voluntarily been entered into by both parties. My own opinion is, that in no instances within the last six years at least, have ryots entered into legal contracts for the cultivation of this crop.

3612 *President.*] But will you state the precise nature of your experience as to how these contracts are first entered into?—From my own experience derived from conversations with both ryots and planters, and from the examination of the factory books, and from the inspection of the contracts themselves, and from constant enquiries and investigations for the last four years into the matter, I, still continue of opinion that the description of the mode as to how contracts are entered into, given in my letter No. 500, dated 19th June 1858, page 220 of the Blue Book, is a correct description of the manner in which advances are given and received.

3613. Mr. *Fergusson.*] Do you know that the land in the district of Baraset to which your experience and enquiries appear to have been limited is unsuited for the cultivation of Indigo, and that it does not produce one-half of the plant which the lands in Kishnaghur and Jessore do?—I have always understood that the lands at Baraset were amongst the finest lands in Bengal, and as the district borders both on Jessore and Kishnaghur, much of the land is precisely of the same description as that of those districts.

3614. Do you not think that the occasional intimacy between the planters and officials is balanced by a similar intimacy between the ryots and darogah and the native officials of the district?—My own experience leads me to believe that fear of the planter's influence and fear of the representations he may make to their official superiors, render the police very apt to side with the planter's people when the opposite

party were poor natives. My great difficulty has always been to get the police to act boldy and straightforwardly in cases of this sort. I have frequently had to find fault with the police for displaying an unjustifiable bias in favour of the planter.

3615. *President.*] Have you reason to believe that any portion of that bias is due to illegal or improper influence, such as the payment of money, and if so, on what reasons do you ground that belief?—It has frequently been stated to me by planters, that unless they had recourse to these means, they would find it difficult to carry on their business. I generally believed that as a rule, the police have hitherto been so corrupt that there is reason to suspect that in very many cases they have been so influenced. Of late years, since constant enquiries have been made into the matter, and an educated and higher class of natives have been employed, and since the salary has been increased, there has been a most decided improvement in this respect.

3616. Then, it is your decided opinion that so far from the Magistrates having obstructed or impeded Indigo cultivation, they have not afforded to the ryot the support and protection he might fairly expect?—I think that if the law had been strictly administered by the Magistrates, and if they had at their disposal a staff of well qualified officers sufficient for them to carry out the law in all cases, the present system of cultivation could not have been continued as it has done. I believe that many Magistrates have been deterred from doing their duty in this respect, from a sensitive desire to avoid the ignominious reproach which has always been raised against them of being jealous of the non-official classes; and, in avoiding this reproach, they have allowed themselves to display a bias in favour of the planters, which has in many cases led to a failure of justice.

3617. Mr. *Sale.*] You mention as one reason, why the ryots, though unwilling, have been cultivating so long, that the police courts were out of their reach. Did you refer to the distance the ryots have to go to get justice, or to the difficulties arising out of the arrangements of the courts, or of the character of the *amla*, or to the difficulty arising out of the ryots' fear of the planter when he is also a zemindar?—I allude to the fact that in many districts ryots have to go some thirty or forty miles to the nearest Magistrate; and that, through fear of the planter,

who is a zemindar, he dares not leave his house for this purpose. I also alluded to the fact, that in one district with which I was acquainted, the power of one firm is so great, that the ryots used to come across in my district to complain to me, because they dared not go through their own district to reach the station at which their own Magistrate resided.

3618. Do you not think that a simple mode of administering justice, such as that adopted in the cutcherries of the planters, would be much more effective than the arrangements at present existing in most of the Mofussil Courts?—I have no personal knowledge of the system pursued in the planter's cutcherry, but I am not prepared to recommend that the system pursued in those courts, as I understand them to be, should be introduced into the constituted courts of the country. I have no doubt that in many cases a planter may dispose of cases with great justice when his interests are not antagonistic to those of the people themselves, but every thing in such a court must depend entirely upon the temper and ability of the individual presiding.

3619. Is not it often ruin to a ryot to leave his home, say at the sowing season, to make a complaint at any of the Mofussil Courts?—Until late years, it was doubtless impossible for ryots to leave their cultivation to go to a distant Court; but of late years, many district sub-divisional courts have been brought within a day's journey to every ryot in the district.

3620. You mentioned in a previous answer that planters have admitted to you that the ryots are not free agents; does this statement refer to any constraint put upon them, or does it refer to any relation which they supposed themselves to have as their zemindars?—The planters have undoubtedly a very mistaken notion of the right of interference with the ryot's crops and cultivation, which they consider themselves to possess as zemindars. They doubtless referred to force and constraint, which in their position as zemindars, they were able to exercise towards their ryots with practical impunity.

3621. Mr. *Fergusson.*] Have the native zemindars and *mahajans* equally mistaken notions of the rights of cultivation?—I never heard of a zemindar insisting upon a ryot sowing any particular crop, unless that zemindar was also an Indigo planter; neither have I ever heard of a

mahajan exercising any interference in the cultivation of the crop of a ryot indebted to him. I never heard from *mahajans* that they found it necessary to exercise any interference whatever with the ryots; and I know cases in which ryots, who having given *jute* under advances from *mahajans* living at the distance of thirty or forty miles away, have scrupulously fulfilled their engagements with the *mahajans*, who had no *zemindary* rights in the district, and no power in any way of interfering with the cultivation. But I know so far of *zemindars* collecting a cess on particular descriptions of crops, which is of course illegal, but this interference on the part of the *zemindar* is not general, and does not extend to interference with the cultivation of crops.

3622. *President.*] Practically do not *gantidars*, *jotedars*, and other tenant-proprietors select their own crops, vary them, fence their own gardens, and plant them and reap the produce without any dictation or any interference on the part of the zemindar?—Always, within my knowledge.

3623. Is there not a great increase of date and sugar-cane cultivation in parts of Baraset, and if so, to whom do you attribute that cultivation?—In the eastern portion of the district there is an extensive cultivation of date, which is entirely grown by the more prosperous ryots, who have large *jotes*. And I also know several instances in which zemindars themselves purchase the ryots' lands, and made use of their own waste lands, by turning them into date gardens.

3624. *Baboo C. M. Chatterjee.*] Do you know that a kind of leather strap is kept in the factories for beating ryots?—I have heard from ryots that there is a stick with a leather attached to it, called "Sham Chand" or "Ram Kant," but this I merely heard from the Kishnaghur ryots.

3625. Mr. *Fergusson.*] Have you never heard that this was originally invented and used in the Hon'ble Company's Silk Filatures?—I have never known if this was the case, but I quite believe that such may have been the case in those days.

Commission adjourned at 6 P. M.

Monday, 23rd July, 1860.

PRESENT:

W. S. Seton-Karr, Esq., C. S., *President.*

Members:

W. F. Fergusson, Esq. | Reverend J. Sale.

Baboo Chunder Mohun Chatterjee.

The Hon'ble *Ashley Eden's* examination continued.

3326. *President.*] You had occasion to enter into correspondence with the Commissioner regarding the cultivation of Indigo, and to issue certain instructions to the police in 1859, and you are well aware of the refusal to cultivate Indigo on the part of the ryots during the present season; to what causes mainly do you attribute that refusal?—The refusal to cultivate Indigo is in Baraset nothing new. So long ago as the year 1855, a former Magistrate, Mr. Mangles, having expressed an opinion (in certain cases connected with the cultivation of Indigo) that the ryots could not legally be compelled to take advances for the cultivation of that crop against their wishes, the result was, that the ryots having discovered this, at once threw up the cultivation, and the outturn of the concern for that year was only sixty-five maunds. Complaints were made to Government by gentlemen at Calcutta connected with the Indigo trade, and it was stated by themselves, that Mr. Mangles was reprimanded for having told the ryots that the cultivation was optional; whether this reprimand was actually administered or not, I cannot say; but the result was, that on Mr. Mangles's leaving the district immediately afterwards, the ryots understood him to have been removed for affording them protection, and they again were afraid to resist the endeavours made by the planters to force this cultivation upon them, and sowed Indigo that year to a small extent. The subsequent year being the year of the mutiny, and there being strong reasons to believe that the natives of Baraset were impressed with a great dislike of planting, and as they had on a previous occasion (about 1832) actually attacked the factories under the leadership of Tito Mir, the planters on this occasion were afraid of similar attacks, and applied for, and obtained, a special guard,

for the protection of their lives and property; the consequence of which was, that the ryots that year being afraid of being charged with intimidating and opposing the planter, sowed a moderate quantity of Indigo. In a subsequent year, however, a question having arisen as to the right of the planter on an *exparte* allegation that ryots were under advances to him, to enter himself upon the lands of such planters and cultivate their Indigo, I expressed a strong opinion that the land being the property of the ryots and not of the planters, the planters had no right whatever on any such plea to take possession of the ryot's lands, and that the Magistrates were bound, in case of such trespass to protect the ryots in their possession. On that occasion my views were not upheld by the Commissioner, and I was directed to induce the ryots of Mr. Larmour to sow their Indigo. I went to the spot and the ryots sowed. Next year I was determined to bring the question to a practical issue, and a similar question having arisen, I again gave the same order to my subordinates to afford protection to the ryots in the event of the planters' servants entering violently into their lands to sow there a corp which the ryots objected to. My orders were again upset by the Commissioner (Mr. Larmour's case of 1858-59,) and I was reprimanded. I remonstrated, and the result was the correspondence in the Blue Book in which my order was finally upheld. Early in 1859, Mr. Prestwich and Mr. Warner having complained to me that their ryots refused to take advances to settle the accounts for the past year, and having requested me to use my influence to make them take advances, I stated my inability to do so, and told them the only way of inducing their ryots to sow or to enter into the cultivation, would be by offering them a remunerative price. Instead of doing this, they complained to the Lieutenant Governor, Mr. Halliday, and the result was an interview as described in the Lieutenant Governor's minute, page 151 of the Blue Book. After this I drew up a vernacular paper, or *rubakari*, which is given in page 156 of the Blue Book, and the ryots then learnt that it really was optional for them to enter into contracts or to refuse to do so. The fact that it was optional, spread generally throughout the district, and ryots came from Jessore and Kishnagur and took authenticated copies of my order, knowing that the effect of the intimation would be to spread gradually throughout Bengal,

a knowledge of the fact that it was optional with ryots to enter into the contracts or not, as they thought fit. I apprehend that the result of such knowledge would be to put a stop to the forced system then existing. I thought it necessary to obtain the sanction of the Commissioner previously to granting such copies. The *rubakari* was issued on the 20th February 1859. In the following season the question of the right of the planter was again discussed between myself and the Commissioner, and the final orders of the Government alluded to above were received, laying down a distinct principle on this point; this was subsequent to the issue of that *rubakari*. Copies of the Government Order were forwarded to the Sub-divisions for the information and guidance of the Deputy Magistrates in charge of those Sub-divisions, and by one of them a perwannah was issued, *viz.*: by the Deputy Magistrate of Kalaroa, which is said by the planters and their advocates to have been the cause of the ryots' refusal to sow. That perwannah was not issued with my knowledge, as explained in my letter to Government. A natural consequence of the ryots finding that they were really free agents, and that for the first time for a long period of years, there was an inclination displayed by the authorities to afford them that practical protection, which had all along been theirs by law and theory, was, that they refused to sow, and appealed to the authorities for protection from force. I do not believe that, as has been stated by the planters and others, the ryots ever believed that it was the wish of Government, that they should not sow Indigo, but I believe simply that they believed it to be optional. I may add, that I long foresaw that such a crisis was at hand, and in the late great rise in the price of all commodities and the labour market, nothing short of military force could have for any period compelled the ryots to continue the cultivation of the crop, which though always distasteful to them, had latterly involved a pecuniary loss, which they were unable to bear.

3627 Then, are we to understand that in your opinion, the compulsory character of the cultivation is the primary and original cause of the dislike; the late rise in prices, the additional cause; and the sudden knowledge that entering into contracts was purely optional with the ryots, was the approximate cause that set the whole thing in motion?—Yes, that is decidedly my opinion.

3628. Did you ever state to any planters that you foresaw the late crisis?—Yes, I did to Messrs. Forlong, Henry Deverell, Prestwich, and all with whom I had any conversation on the subject.

3629. Were there any peculiarities in the Baraset district which might make the ryots more keenly alive to their own rights, compared to the ryots of other districts, say for instance, Pubna and Moorshedabad, or even Jessore and Kishnaghur?—Baraset is a suburban district. The ryots are the most intelligent set of ryots that I have ever met with in any district. They have constant communication with the merchants in Calcutta, and know all that is going on in the neighbourhood; being *shara-wallas* (or Ferazees), they have a complete organization, and frequently meet together to interchange ideas. On account of the great influx of troops into the large military stations of Dum-Dum and Barrackpore, as well as in Calcutta, the value of the produce of their lands has greatly increased; a considerable manufacturing population has even sprung up in the district, for the purpose of supplying the demand for *gunny*, and irrespective therefore of the increased demand for export crops, they have also had to supply a surplus for the population labouring for wages in the manufacture of *gunny*, and on the rail-road which is being made in the district. It should be recollected that every two maunds of rice or seed exported from this country, requires a gunny bag, and they have therefore had a ready sale for the *jute* employed in making these bags. The rise in the labour and produce market has of course made it still more distasteful to the ryots to have to give up a portion of their land to unprofitable crops. In addition to this, Baraset, which is a small district, has three Sub-divisional Magistrate's Offices, in addition to the Sudder Magistrate's Office; it has therefore been easy to control the police, and the people have had to go but a short distance to get a hearing for their complaints. I believe that the manufacture of Indigo has never paid the planter in Baraset for the last eight or nine years.

3630. Mr. *Fergusson.*] Do you not perceive much difference between the language of your *rubakari* of February 1859, where you say the ryots are free to take advances, and your letter of the 17th August, in which you say that the ryots had liberty to sow any crop they liked, and do you not think it certain that the perwannah of Baboo Hemchunder Ker embodying terms of your letter, would be interpreted by the ryots

as to its being optional for them to evade their contracts?—My letter and my *rubakari* were on two entirely different subjects, and merely entered into the questions specially before me in each case. The *rubakari* had reference to the compulsory attendance of ryots at the factory to receive advances, and to be made to enter into contracts. The letter, however, merely gave cover to Government Order laying down the principle upon which a Magistrate should act in the event of a planter attempting to enter forcibly on the lands of ryots, on the allegation that the ryot was under advances to sow. There could not therefore be any great similarity between two letters relating to two such different subjects. I deny that the perwannah does embody the remarks contained in my letter, and I further am decidedly of opinion, from information derived from competent persons, official and non-official, that that perwannah had nothing whatever to do with the present position of the ryots, except so far as it further confirm them in the idea that they were at length about to receive protection from oppression, and I am satisfied that if that perwannah had never been written, the same reluctance to sow would have shown itself.

3631. How do you account for the Baraset Concern having sown a large portion of their cultivation this season, and subsequent to your leaving the district?—It is not for me to say how the ryots have been induced to do that which they all along objected to do, but I believe it to have arisen, partly from a rumour that was spread, that I had been under the displeasure of the Government for protecting the ryots, and had been transported out of Bengal into Orissa; and partly from the fact, that the new manager, Mr. Larmour, gained over many of the influential ryots, whom he had previously denounced as turbulent persons, by making them *dewans, naibs,* and *gomashtas* of the factories. These men, although they do not cultivate themselves, have sufficient influence over their own *Koorfa* ryots to make them sow, and after all, the sowings only amount, I believe to 5,641 beegahs and 6 cottahs, of which 319 beegahs and 11 cottahs belong to a new Factory not in the district.

3632. But does not the fact of 5,000 beegahs having been sown, nullify your previous statements as to the determination of the ryots not to sow, as to their superior intelligence, and as to their advantage in

proximity to Calcutta, and the possession of a greater proportion of subdivisions?—I believe that nearly two-thirds of this amount has been sown *nij-abad* by the planter who has hired these lands for this year at a high rate. I believe further, that the Indigo cultivation enforcement law has created a panic throughout the country, and that the ryots have this year thought it better to prevent any collision with the factory, with this assurance that by next year they will receive full protection in their rights. I do not believe further, that the *Koorfa* (or dependant ryots) are free agents in this matter.

3633. Do you consider that the same reasons account for Mr. Larmour's having been able to sow all his Mulnath lands within the Baraset district?—I do not know that the Mulnath lands have been sown, and if so, I do not know under what circumstances they have been sown.

3634. Baboo *C. M. Chatterjee.*] Are you aware that some of the Magistrates issued perwannahs to the darogahs, enjoining them to allow the planters to sow any lands that they wished, and to prevent any ryots from objecting to the planters sowing their land?—I have heard that since I have been in Calcutta, but have no personal knowledge of it.

3635. Mr. *Sale.*] Did you find that your notification in Baraset, to the effect that the ryots are at liberty to sow what crop they pleased on their lands, had any prejudicial effect on any cultivation save that of Indigo, such as jute, sugar, tobacco, &c.?—Certainly not; it was complained of this having stopped the cultivation of Indigo, but of no other crop, many of which were grown in advances in the Baraset district, such as rice, tobacco, and jute.

3636. Did you ever meet with any instances in which the ryots tried to evade obligations arising from advances taken for crops, other than Indigo?—No, never; on the contrary, I have known ryots refuse to sell their jute at a high price to the Baraset Jail, because they were under advances to the mahajans living on the banks of the Hooghly.

3637. Can you state from your knowledge whether the persons making those advances, are in the habit of exercising a strict supervision over the ryots during the cultivation of the crops advanced for?—No, they exercise no supervision whatever, and have no means of exercising such supervision.

3638. Do you know whether the persons making those advances are

in the habit of fixing the prices of the produce, when the advances are made?—Yes, the bargain is always made at the time of giving the advance, according to the condition of the market. The same people do not always make the same bargain every year. A dealer making an advance would get the produce at a lower rate than if he bought in the market at the time; this is the object for which this accommodatin is given.

3639. Are many case instituted in the courts by producers, or by those making the advances?—As regards the Civil Courts, I have no accurate knowledge; but as regards the Criminal Courts, I have never had a case arising out of this question. The only complaints that I ever heard made, were in 1859; that year a large number of ryots came to me and said, that owing to the fear of a famine, mahajuns would not give them advances of grain, and that as they had sold all their grain to those mahajuns at the cutting of the crop, they would suffer great distress if advances were withheld.

3640. Mr. *Fergusson.*] Do you know if written agreements are taken on the occasion of such advances as you have mentioned?—Written agreements are taken in the case of rice, but I never had cause to ascertain whether the same system is pursued with regard to all other crops, but from my knowledge of them, and the way they manage business, I believe it would be taken, and that on stamp paper.

3641. Do such agreements generally stipulate that the whole of the ryot's crop shall be made over to the mahajun at the price fixed, or only a portion?—I never read the stipulation, but the condition, as I understood it, was, that the ryot for one maund of rice should pay back a maund and a quarter at the time of cutting the rice. In the case of rice for seed, he would have to pay back a maund and half.

3642. *President.*] In the case of rice, over the cultivation of which the mahajun exercises little or no supervision, would it not be more correct to say that the question is not one of advances at all, but that the ryot borrows a maund of rice to feed himself and his family when the market is high, and pays it back at twenty-five or fifty per cent. interest, when he has gathered in his crop, and that the mahajun finds it profitable to accumulate stores of grain and to lend them on the above terms?—That is perhaps a more correct description of the

transaction, but in practice the interest is not nearly twenty-five or fifty per cent., because a maund of rice at the season of advances is very nearly equal in value to a maund and quarter of rice in the harvest time, and the real object of the mahajun is not so much to obtain a high rate of interest from his regular constituents, as to insure a large stock of rice to sell in distant markets by keeping up two connections with a considerable body of ryots engaged in rice cultivation, and who would naturally deal with him.

3643. Baboo *C. M. Chatterjee.*] If a ryot were allowed to cultivate all his lands with rice and other crops of his own liking, do you not think he would be able to pay off his mahajun's debts, and in one year or two become independent?—It is within my own knowledge that within the last two years ryots have, owing to the high price of grain, been enable to pay off their debts to the mahajuns. And one of the largest mahajuns in Orissa told me that this year he had been obliged to modify the terms on which he lent rice, and it stands to reason that the more land a man has, affording a profit, the sooner he would be in a position to accumulate, and be independent of his mahajuns, provided he received sufficient protection.

3644. Mr. *Fergusson.*] Will not the landholder, as in all other countries, obtain a large portion of this rise in price of the produce of the land, or what portion of the land in Baraset do you estimate as held by ryots, whose rents cannot be enhanced?—I believe that nearly all the ryots of Baraset are permanent hereditary occupiers, whose rent cannot be enhanced. Many of them having *pottas* from the old Kishnaghur Rajahs. I allude to the *jotedars*, and not to the *koorfa* ryots, who of course cultivate a great portion of the district under these *jotedars*.

3645. Is not the system of advances, both for produce and work, almost universal in that district, and in Bengal?—I believe the system is very general, but I think in the present time that important works can be carried out without any advances, in support of which I beg to hand a letter which I have received from Captain Harris, the Superintending Engineer, Cuttack Circle, showing that on the spur which is being erected at the mouth of the Kedjuri River, as many as 1,500 coolies per diem were at work, none of whom had received a pice of advances. These men came from all parts of the country.

3646 *President.*] Have you any means of informing the Commission of the comparative cost of cultivating indigo, rice, and other crops, and of the respective produce of the same?—I beg to hand a statement showing that the cost of growing Indigo on tobacco land is rupees 13-6 a beegah, and the produce of twenty bundles per beegah would only be four rupees, entailing thereby a loss of rupees 9-6, and showing also that a crop of tobacco, according to the details of cultivation given in Major Smyth's statistical report, would amount to twenty-four rupees, and would produce a crop, according to my calculation, of seven maunds at five rupees, but according to Major Smyth's report thirteen maunds, giving the ryot a clear profit, according to my calculation, of eleven rupees. I may add that in 1857 tobacco was selling in Baraset at eighteen rupees a maund. I also hand in a comparative statement of a crop of Indigo and rice grown on the same land, by which it will appear that by Indigo the ryot loses one rupee fourteen annas, and by the rice he gets ten rupees seven annas, (filed accordingly.) This information I have derived from enquiries made from ryots at various periods during the last three years, and partly from the statistical reports of the Revenue Surveyor. My reason for giving the rent at three rupees is, that the land is required for the whole twelve months, and therefore I have given a full average rent. The rent of the rice land which I have given as one rupee, being of an unfair description, I have calculated the produce of the Indigo on the rice land as one-half of the out-turn of Indigo on tobacco land.

3647. Do you consider it indispensable to the cultivation of Indigo, that there should be a system of advances?—No, I do not think it indispensable that the planters should make any advances. The planters say, that the ryots are so dishonest, that they invariably take advances with intent to defraud. The ryots say "we don't want advances," and the real struggle always is, as proved by numerous cases, to get them to take advances to get them in the factory books; this being so, both parties should, according to their own statements, be satisfied by an abolition of the advance system. The planter would not run the risk of fraud, and the ryot would be allowed to please himself as to the parties from whom he would take accommodation, if even, therefore, it was admitted that the ryots had not even yet advanced

to that state of prosperity, at which they would be able to cultivate a crop without any advances at all, it would surely be better to allow the ryot to procure the necessary advance from some other source to which he has not the same objection. I believe that if a more remunerative price were offered, any amount of plant would be forthcoming without the planter's advances.

3648. Supposing the contract to be voluntary and the cultivation to be remunerative to the ryot, you would not ever recommend such a thing as advances?—No.

3649. Mr. *Fergusson.*] Can you say what you consider would be a remunerative price for the ryot, say in bundles per rupee?—This is a question which is almost impossible to answer, for we have no means of ascertaining the market price of a crop which has hitherto been grown under a system of small monopolies; the cost of production or material price would be considered in the case of tobacco lands by payments which would bring the price per beegah to rupees 13-6, *i. e.*, supposing the average to be fifteen bundles to one rupee per bundle; this, however, would give the ryot no profit whatever; on rice land this calculation would bring the price per beegah up to rupees 3-14, which would be the actual price of production without a profit, but you must take into consideration in fixing a fair price, the value of other crops which could be produced upon the same land. Why should ryots be made to sow for mere cost of production?

3650. Are you aware that in Rungpore lakhs of bundles of Indigo plant are produced and sold in the best market, not exceeding four bundles per rupee, and that the same takes place in Bancoorah and Beerbhoom?—I have no knowledge of this fact, neither have I any knowledge of the peculiarities of those districts, such as will enable me to account for this.

3651. *President.*] How do you reconcile the fact of advances being made by Government for the cultivation of the poppy and the manufacture of salt, with your opinion, that even under a voluntary system of Indigo cultivation, advances would not be necessary?—With reference to the salt, the explanation is as regards the Cuttack Agency, of which alone I have experience, that the lands on which the salt is made are unfit for any other purpose, and that the only crop which grows any

where in the neighbourhood of these lands is rice; that the means of communication in that part of the country is so difficult, as almost to exclude these men from the large markets, and their rice is consequently of no great value, therefore they depend almost entirely upon their salt advances, to carry them through that part of the year when there is no rice cultivation going on. Indeed, by their own petitions and by the report of the Commissioner, Mr. A. J. Mills, it appears that without these advances they would starve; to use the words of their petition "our circumstances are so unfavourable, had we not have been supplied for the last two years with rice for our advances, we should all have starved to death, and not a Molunghee would have survived to manufacture." In an article of excise it is necessary that the supervising officers should have that entire control and power of selection as to the men employed for the manufacture, which could hardly be obtained except under a system of advances. As to opium, judging from the measures which it was necessary to adopt in 1848 and 1850, with a view of decreasing the amount of cultivation, I consider that then or any other time when the profits of opium are as much in advance of the profits of other crops, as they were then, such system of advances would be unnecessary. To check the cultivation which was increasing too rapidly, it was necessary to issue positive restrictions; and it appears to me, that if these advances had been withheld, there would have been no difficulty in getting opium without advances, since the cultivation was so popular. This is a question, however, the practical details of which I have had no opportunities of studying, and I know nothing of the condition of the people of the opium districts.

3652. Then, we are to understand that you would gladly see advances discontinued whenever possible in any kind of cultivation?—I believe the system to be very injurious, and would gladly see it abolished from every description of cultivation and work.

3653. Mr. *Fergusson.*] Do you believe that the Molunghees would manufacture salt, even at greatly enhanced rates to them; if advances were withheld, and if compulsion were not used by Government in the same way in which it it said to be done by Indigo Planters?—I never heard of any compulsion being used in the Salt Department, and

I do not believe that in that part of the country which I have had an opportunity of making enquiries, *viz.* Cuttack, any system of compulsory manufacture exists. In 1845-46 the cost of manufacture and transport at Cuttack had the effect of raising the price of Cuttack salt above the price of salt of other agencies; it was considered desirable to decrease the amount of salt manufactured in that district, but for political reasons and on account of the great discontent which made itself known at the prospect of the cessation of the salt manufacture, the manufacture was continued on the earnest representation of the Commissioner Mr. Mills. It is probable that enhanced rates would bring in to the manufacture a richer class of people having sufficient capital to enable them to work without advances; but the people who now reside in that part of the country are, from local circumstances, so situated that their rice crop alone would not carry them through the year; and great portion of the year they live in a great measure on their advances. I put in a rough form of *kabulyat* for salt advances. No advances are made without proper security being given in the Salt Department.

3654. Do you know that the Indigo planters at Nuddea by supplying rice and making advances for Indigo have saved the people from starvation in 1838, or other years in the same way as it appears to have been done in Cuttack?—I never heard that such was the case, but I can understand that planters, who are also zemindars, would for the sake of keeping their own ryots, naturally expend large sums for this purpose. I can mention native zemindars who have done the same with the same object.

3655. Baboo *C. M. Chatterjee.*] Is it not the fact that almost every Molunghee receives *fazil* after the manufacturing is closed?—The amount of the first advances in the Cuttack Agency in 1858-59, was 59,935, and the second advance 46,063, and the *fazil* was rupees 7,350-10-6: there were only outstanding balances at the end of the season of rupees 2,723-15-0, out of rupees 1,13,349-2-6. These outstanding balances were refunded by the Molunghees themselves during the year.

3656. *President.*] Have you any knowledge of petitions being presented to the Board of Revenue by the poppy cultivators of Behar

complaining that the Agent would not allow them to cultivate?—I have in my hand a petition presented by eighteen cultivators complaining to the Board that "they have been cruelly deprived of the privilege of opium cultivation on which they and their families have solely depended." I have also another petition from other ryots to the same effect. These petitions are dated March and June 1851. It has always been one of the most severe modes of punishment in the Opium Department to deprive a ryot of his license to cultivate, for smuggling or other misconduct. This was of course only a punishment so long as opium was a much more profitable crop than it is now; the rise of prices of other crops has made opium now less remunerative, and Government has been compelled to raise the price from rupees 3-4 to 4 per seer.

3657. Baboo *C. M. Chatterjee.*] Do you know that the planters assist the ryots with medicines when they are sick, and with loans when their houses are blown down, and that they establish schools for the education of the ryots' children, and do not the planters construct roads and offer other collateral advantages, which in some measure compensate for the want of direct profit to the ryots?—In the districts in which I have been, I have never seen schools or dispensaries or other establishments erected by planters, but I believe it is the habit of every planter as well as of every Englishman to have a family medicine chest, out of which he no doubt may give an occasional dose to a ryot, but from my knowledge of the ryot I am of opinion that a dose of medicine is considered as anything but a collateral advantage, and I cannot think that any amount of medicine would be considered by them as an equivalent for loss of liberty and money which the Indigo cultivation involves. I have heard that in Mulnath, Nischindipore, and Salgamoodia there are dispensaries kept up by planters, but even these would not compensate the ryots of Moorshedabad and Malda for the losses which they sustained by the cultivation of Indigo. I have heard of occasional loans been given, without interest, on the loss of cattle and other accidents of that description, but they are always carried to the ryots' Indigo Account, and I knew of roads having been made by planters between their out-factories, and in such places as without such roads the plant could not have

been brought into the Factory, but I can call to my mind no single instance of a road being constructed for the public good. I have known planters who were useful members of the Ferry Fund Committee.

3658. *President.*] Do you not think the establishment of large Concerns causes a considerable circulation of money in a district?—I do not consider that the establishment of such concerns has the effect of bringing into any district any amount of capital, which would not find its way there, without such concerns. For instance, if a lac of rupees is sent up to carry on an Indigo Concern for one year, the amount which would find its way into the hands of the ryots would be at most 50,000 rupees, supposing every ryot received a full payment of two rupees per beegah, while I believe he seldom ever receives that amount; this would represent a cultivation of 25,000 beegahs, and it would be a sum which would not remunerate for the cost of cultivation. If on the other hand these 25,000 beegahs had been left in the hands of the ryots to produce a crop giving a profit of ten rupees a beegah, the amount brought into the district from the sale of that crop would be two lacs and 50,000 rupees, therefore so far from the Concern having done good by distributing in the district half a lac, it keeps two lacs out of the district, which would have come in, had the ryots had the use of their own lands.

3659. Mr. *Fergusson.*] Are you aware that this particular blue dye is the largest dyeing material used in the world, and one of the largest articles of sea-borne commerce in the world?—I believe it to be so.

3660. Are you aware that four-fifths of the whole of the Indigo produced in the world come from the territories of your late Hon'ble Masters?—I am aware that in the year 1600, Indigo was the main staple by which the E. I. Company made their profits, and that for many years they fostered the trade and made it what it is; but at one period it was found to grow better in the West Indies; and after carrying on the trade for a century, the East India Company gave up Indigo as an article of investment in favor of our West Indian Colonies; but in the West Indies, as now in this country, it was found to be less profitable than other crops, and was given up and again taken up by the East India Company, who having lost £80,000 in the year 1779 by contract, magnanimously made it over to their servants and to private traders.

The East India Agents being unable to advance money to enable the settlers to carry on the trade, the East India Company therefore with a view of fostering and encouraging the cultivation of Indigo in this country advanced to the Indigo Planters at various times no less than a million of money, and in one year advanced no less than £137,000; it is to their special protection that the present trade in Indigo is to be attributed and not to private capitalists. I derive this information from the East India Company's memorandum on private trade dated 1806, published by order of Parliament.

3661. *President.*] Considering the great importance of the Indigo Trade, can you suggest any changes in the present system so that it should work well between planter and ryot?—The only changes I can suggest are that the trade should be a fair, open, and voluntary trade; and I believe that Indigo would then find its own value in the market as readily as any other article of trade; I believe that if it was left to competition, the plant would soon find its own price, and one which would remunerate both parties; if it cannot do this, then there is something special in the nature of the dye which makes it unsuitable to this country as an agricultural speculation. I certainly cannot recommend any *modification* of the present system, but that it should be entirely done away with, root and branch, and that real protection should be afforded to the ryots, who would then doubtless give it at a remunerative rate, without any necessity of special laws, or illegal compulsion. I do not, however, think that with the memory of the past, they will cultivate it on any terms for some years to come.

3662. Have you any objection to planters holding courts, provided that ryots attend voluntarily?—I believe it to be open to very great abuse, and I believe that a planter cannot help being prejudiced in favour of some ryot to the detriment of the others. But if any two ryots refer any question or dispute to the arbitration of the planter, I should think it would be very desirable that they should do so, but I strongly object to any planter being put in a position to give effect to a decision to which both parties do not agree.

3663. Do you think that the establishment of Indigo factories has the effect of diminishing crimes and felonies, and does it not increase affrays and agrarian outrages?—No; for I have observed that in some

districts where there are no factories whatever, there are comparatively few violent crimes. As regards dacoity, I believe that those who are principally engaged in dacoity, are men who have been brought up as *lattials*, and who first learnt violence and plunder in agrarian outrages; and I believe that *lattials* are to be found in greater numbers in Indigo districts than in non-Indigo districts. Mr. Ricketts, the late Member of Council, officially expressed a strong opinion, that the establishment of Indigo factories increased rather than decreased violent crimes. In the province of Orissa, in which there are no Indigo concerns, burglary and theft are as constant occurrences as in any district in Bengal, but dacoity and affray are entirely unknown.

3664. Mr. *Fergusson.*] Then, you do not think that the residence of European gentlemen in the interior has improved either the physical or moral condition of the people?—Although I have no doubt, that there are many individuals who have done great good and rendered assistance to the authorities, yet, as a general rule, I do not think the residence of Indigo Planters has improved to any great extent the physical or moral condition of the people. I believe there are to be found more bad characters settled around Indigo factories, than in distant villages in which an European has never been seen. My remarks do not apply either to silk manufactories or rum distillers or Sunderbund settlers: of the latter of whom I had a great many in my district, but against whom I never had a single complaint. I allude only to the Indigo Planters who, as a rule, live in constant antagonism with the people around them—a state of things which cannot conduce to the peace of the country.

3665. *President.*] Have you ever known of cases in which a planter did not enhance rents in a putni or ijara on condition that the ryot should cultivate Indigo?—I believe the ryots always paid the full rents which a planter is legally entitled to collect, even in ijaras in which no special ijardarri fee is taken, but the general rule of planters who hold ijaras, is to collect a special fee of one or two annas per rupee in excess of the legal rents to repay the expense of the farm or the putni, as for instance, Mr. Larmour in my district took an ijardari fee of one-half anna per rupee.

3666. Had you any Missionaries in Baraset, or did the influence of

other Missionaries extend to Baraset?—With the exception of a native preacher in the town of Baraset, and with the exception of a gentleman once passing through the district in a boat, I never saw or heard of a Missionary the whole time I was in Baraset, and I am quite convinced, that no influence direct or indirect has been exercised by any Missionary over the ryots of Baraset.

3667. Do you know a substantial ryot named Amir Biswas of Baraset, who has tobacco lands, and sows Indigo?—I know him very well, he is one of the most influential and respectable ryots in the district of Baraset, he is a *jotedar* with large property.

3668. Mr. *Fergusson.*] Do you think that if you had issued a *parwanna* embodying the words of Section XI of Act X, it would have the effect of inducing most ryots to withhold their rents, and what is your opinion as to the withdrawal of that power from the zemindar?—I do not think that if I had issued a *parwanna* embodying that Section, that it would have had any such effect upon the ryot. For since the passing of that Act, I have done all in my power to make the ryots acquainted with the provisions of that Act, and when they have complained, I have speedily pointed out Section XI and it has not had the effect of inducing them to withhold their lawful rents. This refers to Cuttack. I was not in Baraset when the Act was brought into operation. I believe that Section is one of the greatest boons that has ever been granted to the ryots during the present century. It rescinds a law which was the main cause of half the oppression, which they as ryots have suffered ever since the date of the permanent settlement?

3669. Have you no doubts as to the effects of the withdrawal of that power from zemindars, and does it not appear to you likely that the consequences may be the forfeiture of many estates from ryots refusing or delaying to pay rents?—No, I apprehend no such results; it leaves in the hands of the zemindars full power to send over to demand the rent, and any other power beyond that with which it could be invested, would have the effect of again reducing the ryots to the practical serfdom in which they were before the passing of that Act. I have consulted several zemindars in Cuttack and elsewhere, who appear to apprehend no difficulty whatever of this description, and moreover since the passing of this Act, it would not appear that the landed property had been at all

depreciated in value: for a few weeks ago, I sold an estate for arrears of revenue, the sudder jumma of it was 814 rupees, and the surplus collections 462 rupees, for no less a sum than 24,000 rupees and this too in a non-permanently settled district. Had there been any such apprehension as that alluded to, no man would have invested his money in this way.

3670. *President.*] Have you ever had any personal difference with any European Planter?—Never of any sort or description, except in connection with the performance of my duties as Magistrate.

3671. Can you state if a new purchaser of a factory pays in full for the outstanding balances in addition to the buildings for the factory?—The Baraset Concern was purchased by Mr. Prestwich for 1,50,000 rupees. The outstanding balances were rupees 1,14,474-2-10, after deducting the value of block, stock, ijaras, and *dena pouna*, the price given for the outstanding Indigo balance must have been little more than nominal.

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